

## A. STATE-AT-A-GLANCE

1)	<b>Program Operation</b>	State administered, local county-operated in most instances.
2)	<b>Number of Local Offices (excluding Agencies under Cooperative Agreements)</b>	11 regional offices
3)	<b>Type of Agencies with Cooperative Agreements</b>	County and authorized attorney's, clerks of the district court, other state agencies and private sector companies for specific services.
4)	<b>Uniform Interstate Family Support Act</b>	Yes
5)	<b>Agreements With Tribal Entities</b>	Yes; Winnebago Tribal Council adopted an Income Withholding Act.
6)	<b>Age of Majority for Termination of Support</b>	19
7)	<b>Statutes of Limitation:</b>	
	• <b>Collection of Past Due Support</b>	None
	• <b>Paternity Establishment</b>	4 years after child's birth if brought by mother or alleged father; 18 years after child's birth if brought by guardian or next-friend of child.
	• <b>Dormancy Revival/Renewal Possible [yes/no]</b>	Liens expire 10 years after youngest child reaches age of majority or last attempt at execution; liens can be reinstated; revival actions can be filed within 10 years.
8)	<b>Guidelines</b>	Income Shares Model
9)	<b>Interest Rates on</b>	
	• <b>Missed Payments</b>	Statutory rate
	• <b>Retroactive Support</b>	Statutory rate
	• <b>Adjudicated Arrearage</b>	Statutory rate
10)	<b>Arrearage Collections for Non- minor Child(ren)</b>	Yes; through income withholding, garnishment, contempt, IRS collections services, state revenue offset, Unemployment Insurance Benefits, lottery
11)	<b>Distribution Scheme</b>	
	• <b>AFDC Arrears</b>	First to current support (if multiple cases, proportionately among the cases). then to Non-AFDC arrears (if multiple cases, proportionately among the cases), except for IRS intercepted funds, which apply first to AFDC arrears.

	<ul style="list-style-type: none"> <li><b>Non-AFDC Arrears</b></li> </ul>	See AFDC arrears, above.
12)	<b>Procedures Regarding Medical Support Using Income Withholding</b>	Yes
13)	<b>New Hire Reporting</b>	No
14)	<b>Recovery of Costs Elected Under State Plan</b>	No
15)	<b>Recovery of Costs for Initiating State</b>	No
16)	<b>Long-Arm Statute/s Citation/s</b>	Nebraska Revised Statutes Section 42-705 (UIFSA)
17)	<b>Automated Locate Resources</b>	Department of Labor (wage and unemployment data); NEIS (state employees, university and state college employees); Blue Cross/Blue Shield (major insurance companies match); DMV (ssn, address verification); IEV (employment information, Food Stamps, public assistance, social security benefits); Department of Corrections, credit bureaus.
18)	<b>Enforcement Options</b>	
	<ul style="list-style-type: none"> <li><b>State Income Tax Refund Intercept</b></li> </ul>	Yes
	<ul style="list-style-type: none"> <li><b>License Revocation/ Suspension</b></li> </ul>	No
	<ul style="list-style-type: none"> <li><b>Administrative Liens</b></li> </ul>	Yes
	<ul style="list-style-type: none"> <li><b>Property Seizure &amp; Sale</b></li> </ul>	Yes
	<ul style="list-style-type: none"> <li><b>State Funds/Benefits (please specify)</b></li> </ul>	Yes, Unemployment Insurance Benefits
	<ul style="list-style-type: none"> <li><b>Other (please specify)</b></li> </ul>	Lottery, creditor's claim against estate
19)	<b>Spousal Maintenance Orders</b> <i>(specify yes or no)</i>	
	<ul style="list-style-type: none"> <li><b>Establish</b></li> </ul>	No
	<ul style="list-style-type: none"> <li><b>Enforce</b></li> </ul>	Yes, if included in the child support order and the spouse or former spouse and child live in the same household.

• <b>Modify</b>	No
<b>20) Current Spouse/Partner Information Required</b>	Yes

## B. UNIFORM INTERSTATE FAMILY SUPPORT ACT

<b>1) State Code Citation</b>	Nebraska Revised Statutes Section 42-701 thru 751
<b>2) Effective Date</b>	January 1, 1994
<b>3) Adopted Verbatim? If no, list differences.</b>	Yes
<b>4) Repeal URESA?</b>	Yes
<b>5) Repeal IWW?</b>	No

## C. INCOME WITHHOLDING

<b>1) Income Withholding Terminology</b>	Immediate income withholding and initiated income withholding.
<b>2) Income Withholding Procedures</b>	
• <b>State Withholding Limits</b>	The dollar amount specified in the Notice to Withhold <u>or</u> 50% of disposable earnings in the case of a non-custodial parent who has a second family; 60% of disposable earnings in the case of an non-custodial parent who does not have a second family. Increase each percentage by 5% if the delinquent amount is more than 12 weeks in arrears.
• <b>Fee Charged by Employers</b>	Up to \$2.50 per calendar month
• <b>Date to Remit</b>	Within 10 days of the date the obligor is paid.
• <b>Penalty</b>	Liability for the amount that should have been withheld
<b>3) Definition of Employer</b>	Any person, partnership, limited liability company, firm, corporation, association, political subdivision or department or agency of the state or federal government in possession of income and shall include an obligor if he or she is self-employed.
<b>4) Included Income</b>	Compensation paid, payable, due or to be due for personal services, whether denominated as wages, salary, earnings, income,

	commissions, bonuses, or otherwise, and shall include any periodic payments pursuant to pension or retirement program, dividends and any other income from whatever source derived.
5) <b>Excluded Income</b>	SSI, VA disability
6) <b>Direct Income Withholding for Unemployment Compensation, include address</b>	No, not an employer
7) <b>Direct Income for Workers' Compensation, include address</b>	No, not an employer
8) <b>Direct Income Withholding, other income sources subject to, include address</b>	Employers only
9) <b>Direct Income Withholding, list Other Income Sources NOT subject to</b>	Only employers are subject to direct income withholding
10) <b>Federal Withholding (See Federal Pay Agents Section)</b>	IV-D Directors need not answer this question.
11) <b>Procedures for Contesting Income Withholding</b>	After receiving the Notice of Intent to Withhold the obligor may send a written request for a hearing to the NE-Dept. Social Services. The request must be postmarked within 15 calendar days of the date of the Notice to Withhold Income.
12) <b>Arrearages through Income Withholding</b>	Yes
13) <b>Enforcing Against Non-Resident Obligor Asset/Income</b>	Yes
14) <b>Exception to Immediate Withholding</b>	Written determination and explanation by the court why immediate withholding would not be in the best interest of the child; proof of timely payments of previously ordered support by the non-custodial parent in cases involving the modification of support orders; agreement by the non-custodial parent to keep the IV-D Agency apprised of his/her employer and provide information on any employment related health insurance available; <u>or</u> a written agreement between the parties, reviewed by the court and entered into the record, signed by both parties to the order, and by the State and agreement by the non-custodial parent to keep the IV-D Agency apprised of his/her employer and provide information on any employment related health insurance available in IV-D cases where there is an assignment of support rights to the State.
15) <b>Multiple Obligations Withholding Priorities</b>	
• <b>Policy</b>	The amount withheld will be prorated to meet current obligations first, then any arrearages.

• <b>Priority</b>	Child support orders have priority
• <b>Assistance</b>	Local county/authorized attorney
• <b>Allocation</b>	Prorate first to current, support then prorate to arrears.

## D. PATERNITY

1) <b>Interstate Paternity Procedures</b>	Send request to Central Registry; case forwarded to local office handling case; consent orders attempted; genetic tests conducted; order establishing paternity and support entered.
<b>Consent Orders Obtained</b>	Yes
2) <b>Uniform Parentage Act</b>	No
3) <b>Uniform Act on Blood Testing</b>	Yes
4) <b>Parentage Order Available Without Order for Support</b>	Yes
5) <b>Custody/Visitation Addressed Subject to Tribunal's Jurisdiction</b>	No
6) <b>Genetic Test Results as Presumption of Paternity</b>	Yes
<b>Threshold</b>	99%
7) <b>Paternity Acknowledgment as Presumption of Paternity (Rebuttable/Conclusive)</b>	Rebuttable
8) <b>Marriage as Presumption of Paternity</b>	Yes
9) <b>Putative Father's Name on Birth Certificate, Effect of</b>	Not allowed unless court finds him to be the father and directs Vital Records to place his name on child's birth certificate, or if alleged father acknowledges paternity, stipulates to entry of order and authorizes Vital Records to amend birth certificate; order required.
10) <b>Other Statutory Presumptions</b>	No
11) <b>Recognition of Common Law Marriage</b>	No
12) <b>Personal Appearance of Witness or Custodial Parent Required</b>	No, unless case is contested; if testimony required to obtain order for genetic testing, usually interrogatories or depositions can be used.
<b>Acceptable Methods of</b>	Interrogatories, depositions, videotaped testimony or

<b>Testimony</b>	teleconferencing
<b>13) Long-Arm Statute</b>	Nebraska Revised Statutes Section 42-705 (UIFSA); Nebraska Revised Statutes Section 25-536 (General)
<b>14) Assistance to Other States Using Their Long-Arm Statutes</b>	
• <b>Service of Process</b>	Yes; contact Central Registry
• <b>Genetic Testing</b>	Yes; contact Central Registry
<b>15) Recovery of Genetic Testing Costs for Other States</b>	Yes

## **E. SUPPORT ORDER ESTABLISHMENT**

<b>1) Interstate Procedures</b>	Send documents to Central Registry; documents transmitted to clerk of the district court in local county, case docketed, prosecuting attorney notified; prosecutor takes all action necessary to enable court to obtain jurisdiction over obligor and property; hearing time and place set; if obligor denies duty of support and offers evidence constituting defense, court upon request of either party, shall continue hearing to permit evidence relative to duty adduced by deposition or personal appearance; NE guidelines apply
<b>2) Income Considered for Setting Support</b>	Cost of providing health insurance for the child; CP's gross income; non-custodial parent's gross income; deductions for other child support obligor is ordered to pay, taxes, mandatory retirement payments.
<b>3) Criteria for Rebuttal</b>	Extraordinary medical costs of either parent or child; special needs of disabled child; if total net income exceeds \$10,000 monthly may be more but shall not be less than the amount which would be computed using the \$10,000 monthly income unless other permissible deviations exist; juveniles placed in foster care; whenever application of the guidelines in an individual case would be unjust or inappropriate.
<b>4) Support Order for Prior Periods</b>	Yes

## **F. ENFORCEMENT**

**(Note: If multiple orders, see Part "G")**

### **I. ENFORCING YOUR OWN ORDER**

1)	<b>Enforcement for Non-Resident Family</b>	Yes
2)	<b>Administrative Procedures and Remedies Available</b>	Yes
3)	<b>Judicial Procedures and Remedies Available with Registration</b>	Yes

## II. ENFORCING OTHER STATES' ORDERS

4)	<b>Administrative Procedures and Remedies Available Without Registration</b>	Yes; income withholding; state revenue offset; unemployment insurance benefits
5)	<b>Judicial/Administrative Remedies with Registration</b>	Yes
6)	<b>UIFSA/URESA Registration and Enforcement Procedure</b>	Orders can be registered under UIFSA for enforcement or modification and enforcement
7)	<b>Judicial Procedures Required after Registration</b>	After registration for enforcement, none. After registration for modification and enforcement if NE has CEJ, can modify in court
8)	<b>Uniform Enforcement of Foreign Judgments Act Citation</b>	Nebraska Revised Statutes Section 25-1587.01

## G. MODIFICATION/REVIEW & ADJUSTMENT OF ORDERS

1)	<b>Jurisdiction Requirements</b>	CEJ analysis per UIFSA
2)	<b>Modification Procedures</b>	Judicial process involving motion to modify, service of process, answer, hearing, and order; modification retroactive only back to date of service of motion to modify.
3)	<b>Criteria for Modification</b>	Variation by 10% or more upward or downward of the current child support obligation, due to financial circumstances; which have lasted 3 months and will last for an additional 6 months
4)	<b>Criteria for Change of Circumstances</b>	<p>Material change in circumstances, each case evaluated on its own merits for good cause shown.</p> <p>A rebuttable presumption of a material change is created by a variation of 10% from current amount if based on financial circumstances that have lasted 3 months and can reasonably be expected to last an additional 6 months.</p>
5)	<b>Frequency With Which Reviews are Conducted</b>	Upon request of NCP, CP or guardian but no more than every 3 years.

<b>6) Criteria for Review</b>	Case is IV-D; request is for the modification of child support, or to include health insurance; the request does not include modification of spousal support, custody, or visitation; the order has not been reviewed by the Department in the last 3 years; the order is for current support; the order is not a tribal order; the order is not for income withholding only; the order is an active NE order; the obligor is not institutionalized or incarcerated; at least one parent is in NE; the last child in the order will not be emancipated within 12 months; financial circumstances have lasted 3 months and can reasonably be expected to last an additional 6 months
<b>7) Criteria for Adjustment</b>	See Criteria for Review, above

## H. MULTIPLE ORDERS

### ENFORCEMENT AND MODIFICATION

<b>1) Controlling Order</b>	UIFSA CEJ analysis; order issued in child's current home state; if no order from child's current home state, order most recently entered.
<b>2) Date of Controlling Order</b>	When the tribunal is invoked.
<b>3) If No Controlling Order</b>	Typically, the most recent order will be registered.
<b>4) Arrears Procedure</b>	Calculate the arrears by accruing child support over a time line (no overlapping of arrearages)

# I. Documentation Required to Initiate Requests

ACTION REQUESTED	DOCUMENTS NEEDED	# of Copies of each document	Certification required for each document *See below
Establishment of Paternity and Support	Transmittal Paternity Affidavit and any supporting data. General Testimony	1	E
Enforcement of Responding State's Order	Transmittal  All orders to be registered  General Testimony	1  2  1	E  C  C
Modification of Responding States' Orders	Same as Enforcement		
Administrative Enforcement of Another States' Order	Same as Enforcement		
Registration for Enforcement of Another States' Order	Same as Enforcement		
Collection of Arrearages in Multiple Orders	All orders	2	C
Uniform Enforcement of Foreign Judgments Act	Petition  Copy of Judgment  All orders	1  2  2	E  C (1)  C (1)
Modification of Another State's Order	All orders	2	C(1)
Status Update on an Existing Interstate Case			
Assistance/Discovery			
Quick Locate	Locate Data Sheet form FSA-206 (or a similar form)	1	E

\*A= Notarization by Notary Public; B= Certification by signature of agency official;  
C= Certification by signature of court official; D= Others (please specify);  
E= Certification not required

## J. State Contact Chart

ASSISTANCE NEEDED	CONTACT  Name, Title, Address, Phone, Fax, E-mail (include 800 if applicable)
State Information Agent	Central Registry (402) 471-9160 Phone  P.O. Box 95026 (402) 471-9455 Fax  Lincoln, NE 68509
Central Registry	Central Registry
Interstate Policy Contact (if different)	Mary Pat Kelley (402) 471-9716 Phone  Legal Program Specialist (402) 471-9455 Fax  P.O. Box 95026  Lincoln, NE 68509
Contact for Information Regarding Your States Long Arm Statute and Process	Central Registry
Contact for Information Regarding Collection and Distribution (State level)	Byron Van Patten (402) 471-9512  Operations Unit Manager (402) 471-9455  P.O. Box 95026  Lincoln, NE 68509
Contact to Obtain Payment Records	Local Clerk of the District Court
Contact to Obtain Copy of Order	Local Clerk of the District Court
Contact for States Using Their Long Arm Statutes or Continuing Exclusive Jurisdiction (no “case” in your State) for	Central Registry
<ul style="list-style-type: none"> <li>Service of Process  (private process server? If so , list)</li> </ul>	Local County/Authorized Attorney
<ul style="list-style-type: none"> <li>Genetic Testing  ( e.g. assistance with interstate teleconferencing)</li> </ul>	Local County/Authorized Attorney
New Hire Reporting Contact	None

Employer Assistance Contact	Central Registry
Telephone Number for Automated Interstate Case <i>Status</i> Requests  (if any)	None
Telephone Number for Automated Interstate Case <i>Payment</i> Requests  (if any)	None
Privatization Contact	<div>Jan Overmiller (402) 471-9153 Phone</div> <div>Operations Administrator (402) 471-9455</div> <div>P.O. Box 95026</div> <div>Lincoln, NE 68509</div>